

Serial No. 10/695,592
Attorney Docket No. 87159200.002001

REMARKS / ARGUMENTS

This Amendment and Response After Final Office Action is filed in reply to the Final Office Action of October 18, 2005. The Manual of Patent Examining Procedure states that an Amendment after Final Rejection can be entered if it places the application in condition for allowance:

Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR § 1.116(b).

MPEP § 714.12. Applicants submit that the following amendments either comply with the objections as to form or place the claims in condition for allowance. Each of the objections/rejections and their corresponding amendments is described below.

Claims 12-27 stand allowable in the outstanding Final Office Action. However, claim 10 stands rejected under 35 U.S.C. §102(e) as being anticipated by Schanberger et al. (U.S. Patent No. 6,801,003), and claims 10 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lys et al. (U.S. Patent No. 6,897,624). It is also noted that the "Response to Arguments" section (page 4) of the Final Office Action states "Applicant's arguments with respect to claims 12-27 have been considered but are moot in view of the new ground(s) of rejection." Applicants believe that the asserted new grounds of rejection have been erroneously addressed to claims 12-27, because only claims 10 and 11 stand rejected in the Final Office Action.


If Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, Examiner is invited to call the undersigned. Because this

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filing is submitted within the three-month deadline, no Petition for Extension of Time is required. Because this filing is submitted within the three-month deadline, no Petition for Extension of Time is required. The Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 87159200.242001 to complete this filing.

If Examiner has any questions regarding this filing or the application in general, Examiner is invited to contact Applicant's attorney at the below-listed address.

Respectfully submitted,


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AMENDMENT AND RESPONSE AFTER FINAL OFFICE ACTION

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